

# House Study Bill 251

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON  
VAN ENGELENHOVEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the procedure for reducing the number of  
2 members of a city council from five to three in certain  
3 cities.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1932HC 80  
6 sc/cl/14

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1 1 Section 1. Section 372.4, Code 2003, is amended to read as  
1 2 follows:

1 3 372.4 MAYOR=COUNCIL FORM.

1 4 1. A city governed by the mayor=council form has a mayor  
1 5 and five council members elected at large, unless the council  
1 6 representation plan is changed pursuant to section 372.13,  
1 7 subsection 11. The council may, by ordinance, provide for a  
1 8 city manager and prescribe the manager's powers and duties,  
1 9 and as long as the council contains an odd number of council  
1 10 members, may change the number of wards, abolish wards, or  
1 11 increase the number of council members at large without  
1 12 changing the form.

1 13 However, a city governed, on July 1, 1975, by the mayor=  
1 14 council form composed of a mayor and a council consisting of  
1 15 two council members elected at large, and one council member  
1 16 from each of four wards, or a special charter city governed,  
1 17 on July 1, 1975, by the mayor=council form composed of a mayor  
1 18 and a council consisting of two council members elected at  
1 19 large and one council member elected from each of eight wards,  
1 20 may continue until the form of government is changed as  
1 21 provided in section 372.2 or section 372.9. While a city is  
1 22 thus operating with an even number of council members, the  
1 23 mayor may vote to break a tie vote on motions not involving  
1 24 ordinances, resolutions or appointments made by the council  
1 25 alone, and in a special charter city operating with ten  
1 26 council members under this section, the mayor may vote to  
1 27 break a tie vote on all measures.

1 28 2. The mayor shall appoint a council member as mayor pro  
1 29 tem, and shall appoint and dismiss the marshal or chief of  
1 30 police except where an intergovernmental agreement makes other  
1 31 provisions for police protection or as otherwise provided in  
1 32 section 400.13. However, the appointment and dismissal of the  
1 33 marshal or chief of police are subject to the consent of a  
1 34 majority of the council. Other officers must be selected as  
1 35 directed by the council. The mayor is not a member of the  
2 1 council and shall not vote as a member of the council.

2 2 3. In a city having a population of between five hundred  
2 3 and five thousand or less, the city council may, or shall upon  
2 4 petition of the electorate meeting the numerical requirements  
2 5 of section 372.2, subsection 1, submit a proposal at the next  
2 6 regular or special city election to reduce the number of  
2 7 council members to three. If a majority of the voters voting  
2 8 on the proposal approves it, the proposal is adopted. If the  
2 9 proposal is adopted, the new council shall be elected at the  
2 10 next regular or special city election. The council shall  
2 11 determine by ordinance whether the three council members are  
2 12 elected at large or by ward.

2 13 4. In a city having a population of less than five  
2 14 hundred, the city council may adopt a resolution of intent to  
2 15 reduce the number of council members from five to three and  
2 16 shall call a public hearing on the proposal. Notice of the  
2 17 time and place of the public hearing shall be published as  
2 18 provided in section 362.3, except that at least ten days'  
2 19 notice must be given. At the public hearing, the council  
2 20 shall receive oral and written comments regarding the proposal

2 21 from any person. Thereafter, the council, at the same meeting  
2 22 as the public hearing or at a subsequent meeting, may adopt a  
2 23 final resolution to reduce the number of council members from  
2 24 five to three or may adopt a resolution abandoning the  
2 25 proposal. If the council adopts a final resolution to reduce  
2 26 the number of council members from five to three, a petition  
2 27 may be filed with the clerk in the manner provided in section  
2 28 362.4, within thirty days following the effective date of the  
2 29 final resolution, requesting that the question of reducing the  
2 30 number of council members from five to three be submitted to  
2 31 the registered voters of the city. Upon receipt of a petition  
2 32 requesting an election, the council shall direct the county  
2 33 commissioner of elections to put the proposal on the ballot  
2 34 for the next regular city election. If the ballot proposal is  
2 35 adopted, the new council shall be elected at the next  
3 1 following regular city election. If a petition is not filed,  
3 2 the council shall notify the county commissioner of elections  
3 3 by July 1 of the year of the regular city election and the new  
3 4 council shall be elected at that regular city election. If  
3 5 the council notifies the commissioner of elections after July  
3 6 1 of the year of the regular city election, the change shall  
3 7 take effect at the next following regular city election. The  
3 8 council shall determine by ordinance whether the three council  
3 9 members are elected at large or by ward.

3 10 EXPLANATION

3 11 This bill provides that city councils of cities with less  
3 12 than 500 population may, by resolution, reduce the size of the  
3 13 city council from five to three members. The bill requires  
3 14 the council to adopt a resolution of intent and to hold a  
3 15 public hearing on the proposal. The council may, at the  
3 16 hearing or at a subsequent meeting, adopt a final resolution  
3 17 to reduce the council from five to three members. If a  
3 18 petition is filed within 30 days of adoption of the final  
3 19 resolution requesting that the proposal be voted on by  
3 20 registered voters of the city, the council is required to  
3 21 direct the county commissioner of elections to place the  
3 22 proposal on the ballot at the next regular city election. If  
3 23 the ballot proposal is adopted, the new council shall be  
3 24 elected at the next regular city election following the  
3 25 election at which the proposal was adopted. If no petition is  
3 26 filed, the council must notify the county commissioner of  
3 27 elections of the change from five to three members by July 1  
3 28 of the year of the regular city election and the new council  
3 29 shall be elected at that regular city election. If the  
3 30 council notifies the commissioner of elections after July 1 of  
3 31 the odd-numbered year, the change takes effect at the next  
3 32 following regular city election.  
3 33 LSB 1932HC 80  
3 34 sc/cl/14